IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WP(C).No. 850 of 2007(A)

PETITIONER:

MR. PREM KUMAR K.O., AGED 32 YEARS,
S/O. S.KRISHNANKUTTY, JANAKI MANDIRAM,
MOOZHINADA, KATTAIKONAM P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.V.ANIL

RESPONDENTS:

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1. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE, KOZHIKODE.

2. DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE.

BY SC. SRI. P.C. SASIDHARAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J

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WP.(C) No.850 OF 2007

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Dated this the 23rd day of January, 2007

JUDGMENT

Prayers in the writ petitioner are as follows:

A) That the entire records relating to Ext.P8 be called to this court and that a writ of mandamus or other order be passed directing the 1st and 2nd respondents to sent advice memo to the petitioner and give appointment to the part-time Junior Hindi Teacher in any of the vacancy reported in Ext.P8.

B) That a writ of mandamus or other order be passed directing the 2nd respondent to extend Ext.P1 rank list and to stay all further appointments to the vacancy arising out of Ext.P8 till the disposal of this writ petition.

2. The case of the petitioner in brief is as follows:

The rank list came into force on 10.2.2003 and expired on 9.2.2006. The exact status of the vacancy existing was informed only after the expiry of the list. It is the case of the petitioner that the vacancy existed from 2004 and it is not reported before the expiry of the list. It is the case of the petitioner of course that respondents 1 and 2 were aware that list expires in February, 2006 and he was making earnest efforts to get the details of the vacancies. According to the petitioner he sent reminders. It is not in dispute that the second respondent has not reported the vacancy during the currency of the list.

3. If that is so, I do not think that the petitioner is entitled to a direction to the first respondent to send advice memo to the petitioner and to give appointment on the basis of the vacancies reported in Ext.P8. Ext.P8 is dated 26.12.2006. A perusal of Ext.P8 would show that the vacancies mentioned were reported on 8.9.2006. As already found the list expired as early as on 9.2.2006. In such circumstances the first prayer cannot be granted.

4. The second prayer is to extend the list. Standing Counsel for PSC submits that there is no proposal to extend the rank list. The writ petition is filed only on 8.1.2007 and the rank list has already been expired on 9.2.2006. I do not think that the petitioner has made out any ground for granting the reliefs. Counsel for the petitioner submits that the right of the petitioner to institute a suit claiming damages be reserved. I am not expressing any view on the matter.

The writ petition is dismissed.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.